

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS

MIDLAND/ODESSA DIVISION

CONTIQUE WILLCOT,

Plaintiff,

vs.

**SECURITIES AND EXCHANGE
COMMISSION,
ET AL.**

Defendant

CASE NO. 7:24-CV-00317-DC-RCG

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE SUPPLEMENTAL BRIEF IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS THE SECOND
AMENDED COMPLAINT AND MOTION
TO LIFT PSLRA DISCOVERY STAY**

TO THE HONORABLE DAVID COUNTS, UNITED STATES DISTRICT JUDGE,

AND THE HONORABLE RONALD C. GRIFFIN, UNITED STATES

MAGISTRATE JUDGE:

Plaintiff Contique Willcot, proceeding pro se, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 15(d), Local Court Rule CV-7 of the Western District of Texas, and the Court's inherent authority, for leave to file the attached Supplemental Brief in Opposition to Defendants' Motions to Dismiss the Second Amended Complaint (ECF Nos. 81, 83, 92, 93, 96) and Motion to Lift the Private Securities Litigation Reform Act (PSLRA) Discovery Stay under 15 U.S.C. § 78u-4(b)(3)(B). This motion is supported by the following grounds:

I. INTRODUCTION AND PROCEDURAL BACKGROUND

Plaintiff filed his Second Amended Complaint (SAC) on June 12, 2025 (ECF No. 73),

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA
DISCOVERY STAY - 1

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

1 alleging violations of federal securities laws, antitrust laws, negligence, aiding and
2 abetting fraud, unjust enrichment, and seeking declaratory judgment arising from
3 fraudulent trading of Meta Materials Preferred Shares (MMTLP). Defendants filed
4 Motions to Dismiss (MTDs) between June 26 and July 15, 2025 (ECF Nos. 81, 83, 92,
5 93, 96), and Plaintiff timely opposed them (ECF Nos. 82, 87, 97, 98, 103). Replies were
6 filed by July 23, 2025 (ECF Nos. 89, 91, 102, 107), with FINRA's reply due August 22,
7 2025. The MTDs remain pending, as does Plaintiff's prior Motion to Lift PSLRA Stay
8 (ECF No. 32).

9
10 Since filing his oppositions, Plaintiff has obtained newly discovered evidence from a
11 related case in this Court, Vetrano v. Brda et al., Case No. 7:24-CV-00325-DC-RCG
12 (Vetrano Case), including incriminating emails from Defendant Gregory McCabe
13 admitting to ignoring shareholder records requests and instructing deletion of
14 communications (Vetrano ECF No. 63, Ex. D, filed August 14, 2025). This evidence
15 directly bolsters Plaintiff's claims and demonstrates an imminent risk of evidence
16 destruction, necessitating supplementation and a lift of the PSLRA automatic discovery
17 stay.

II. LEGAL STANDARD

18
19 Federal Rule of Civil Procedure 15(d) permits supplementation of pleadings or briefs
20 upon motion to present events occurring after the original filing, promoting judicial
21 efficiency and complete resolution on the merits. *Ashcroft v. Dep't of Corr.*, 2007 WL
22 1989264, at *1 (W.D.N.Y. July 5, 2007). Courts in the Fifth Circuit liberally grant such
23 leave when the new material is relevant, non-prejudicial, and advances the case. See
24
25
26
27

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

1 Smith v. Ayres, 845 F.2d 1360, 1367 (5th Cir. 1988). Local Rule CV-7 allows motions
2 for leave to file supplemental submissions, and if granted, the Clerk shall file the
3 attachment promptly. W.D. Tex. L.R. CV-7(f).

4 Here, supplementation is warranted as the new evidence was unavailable at the time of
5 Plaintiff's oppositions (filed July 2025) and directly rebuts Defendants' arguments on
6 standing, scienter, loss causation, and pleading specificity. Denying leave would
7 prejudice Plaintiff, a pro se litigant, by preventing consideration of critical, post-filing
8 developments. Defendants will suffer no undue prejudice, as they may respond if the
9 Court deems necessary.
10

III. GROUNDS FOR LEAVE

11 The attached Supplemental Brief incorporates evidence from the Vetrano Case,
12 including:

- 13 • McCabe's August 11, 2025, email admitting to ignoring lawful shareholder
14 requests as a "harassment campaign" and instructing deletion (Vetrano ECF No.
15 63-5).
- 16 • Vetrano's Motion to Enter New Evidence (Vetrano ECF No. 63, filed August 14,
17 2025), detailing a pattern of noncompliance with Texas Business Organizations
18 Code § 21.218.
- 19 • Related exhibits, such as NBH's November 25, 2024, press release admitting
20 operational setbacks and undisclosed office moves (Vetrano ECF No. 63-4).
- 21 • Shareholder records requests from November 2024 and August 2025 (Vetrano
22 ECF Nos. 63-2, 63-3).

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

- A recent request for investigation into McCabe's conduct stemming from the "reply all" incident.
- A 2014 Assignment of Oil and Gas Leases from Arabella Petroleum Company, LLC to McCabe Petroleum Corporation (MPC), evidencing historical asset transfers.

This evidence evidences ongoing concealment and self-dealing by Defendants McCabe, Brda, and NBH, interconnected with the SAC's allegations of merger fraud, asset misrepresentations, and the FINRA U3 halt. It supports denial of the MTDs and, crucially, justifies lifting the PSLRA stay to preserve evidence at risk of destruction and prevent undue prejudice.

IV. REQUEST FOR RELIEF

Plaintiff respectfully requests that the Court grant leave to file the attached Supplemental Brief, deem it filed upon order, and consider it in ruling on the pending MTDs. A proposed order is attached hereto.

Dated: August 18, 2025

Respectfully submitted,

/s/ Contique Willcot

Contique Willcot, Pro Se

6940 SW 10th Ct

Pembroke Pines, FL 33023

954-274-5173

Email: contiq9@yahoo.com

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2025, a true and correct copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Contique Willcot

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), Plaintiff conferred with Defendants' counsel via email on August 18, 2025, regarding this motion. Defendants oppose.

/s/ Contique Willcot

ADDENDUM: TABLE OF NEW EXHIBITS

| | | | | Location in |
|---------|---------------------|-----------------------------|-------------------------------|-------------|
| Exhibit | Document Filename | Key Content Summary | Relevance to Your Case | Vetrano |
| Label | | | | Case |
| | SUPPLEMENTAL | The full supplemental brief | | |
| | BRIEF IN OPPOSITION | submitted herein, | Serves as the primary | |
| | TO DEFENDANTS' | incorporating new evidence | document presenting new | |
| Exhibit | MOTIONS TO DISMISS | from the Vetrano Case to | evidence; directly rebuts | N/A (This |
| 1 | THE SECOND | oppose MTDs and lift | MTDs on all grounds and | filing) |
| | AMENDED | PSLRA stay, with analysis | argues for stay lift based on | |
| | COMPLAINT AND | of scienter, causation, and | spoliation risks. | |
| | MOTION TO LIFT | preservation needs. | | |

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA DISCOVERY STAY - 5

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

| Exhibit | Document Filename | Key Content Summary | Relevance to Your Case | Location in |
|---------|-------------------------------------|------------------------------|-------------------------------|---------------|
| Label | | | | Vetrano |
| | | | | Case |
| | PSLRA DISCOVERY | | | |
| | STAY | | | |
| | | Vetrano's August 14, 2025, | | |
| | | motion to admit above | Reinforces | Vetrano ECF |
| | Exhibit Motion to enter new | exhibits, citing Texas | standing/widespread harm; | No. 63 (Full |
| | 2 evidence.pdf | §21.218 breaches and | links to declaratory | Motion) |
| | | pattern of disregard. | judgment for market trust. | |
| | | November 25, 2024, NBH | | |
| | | press release on office move | Evidences self-dealing/unjust | Vetrano ECF |
| | Exhibit NBH 2024 Year-end | to McCabe's Midland firm | enrichment; admits valuation | No. 63-4 (Ex. |
| | 3 Operational Activities | (rent-free), restated | errors, corroborating SAC | C) |
| | updates.pdf | financials, SEC comments, | misrepresentations. | |
| | | and "setbacks." | | |
| | | November 18, 2024, | | |
| | | shareholder demand for | Supports particularity for | |
| | | board minutes, financials, | fraud/misrepresentation | Vetrano ECF |
| | Exhibit request for access to books | contracts (e.g., with | claims; evidences ignored | No. 63-2 (Ex. |
| | 4 and records.pdf | Brda/McCabe), lease losses | transparency, tying to | A) |
| | | (University Lands), and | negligence and aiding fraud. | |
| | | NDAs; signed by group | | |
| | | including via DocuSign. | | |
| | Exhibit request for corporate | August 10, 2025, follow-up | Bolsters antitrust (restraint | Vetrano ECF |

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA DISCOVERY STAY - 6

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

| Exhibit | Document Filename | Key Content Summary | Relevance to Your Case | Location in |
|---------|--------------------------------|----------------------------|------------------------------|---------------|
| Label | | | | Vetrano |
| | | | | Case |
| 5 | records and governance | demand expanding to SEC | via opacity) and loss | No. 63-3 (Ex. |
| | updates.pdf | correspondence, verified | causation (ongoing harm | B) |
| | | share counts | post-halt); shows pattern of | |
| | | (synthetics/naked shorts), | noncompliance. | |
| | | and annual meetings under | | |
| | | Nevada law. | | |
| | | August 10-11, 2025, email | | |
| | | chain: Vetrano's request; | Direct proof of | Vetrano ECF |
| | Exhibit McCabe's Incriminating | McCabe calls it | scienter/concealment; | No. 63-5 (Ex. |
| 6 | emails.pdf | "harassment" to | supports PSLRA stay lift for | D) |
| | | "bankrupt us," admits | spoliation risk. | |
| | | ignoring prior, instructs | | |
| | | "disregard and delete." | | |
| | | | | Not filed in |
| | | | | Vetrano; |
| | Request for investigation | Formal request probing | Escalates to regulatory | standalone |
| 7 | Exhibit into Greg McCabe for | McCabe's "reply all" for | scrutiny; bolsters causation | document |
| | Jen's reply all.pdf | tampering/fiduciary | and stay lift via tampering | referenced in |
| | | violations. | evidence. | prior |
| | | | | uploads. |
| | Exhibit | March 4, 2014, lease | Historical tie to asset | Not in |
| 8 | Arabella.pdf | assignment from Arabella | mismanagement/self-dealing; | Vetrano; |

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA DISCOVERY STAY - 7

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

| Exhibit Label | Document Filename | Key Content Summary | Relevance to Your Case | Location in |
|--------------------------|--------------------------|-----------------------------|-------------------------------|-------------------------|
| | | | | Vetrano Case |
| | | to MPC for \$10+; binds | adds pattern for fiduciary | standalone |
| | | successors (Exhibit "A" not | breaches, indirect causation | public |
| | | attached). | to losses. | record. |

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA DISCOVERY STAY - 8

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

PROPOSED ORDER

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS

MIDLAND/ODESSA DIVISION

CONTIQUE WILLCOT,

Plaintiff,

v.

SECURITIES AND EXCHANGE COMMISSION et al.

Defendants.

CASE NO. 7:24-CV-00317-DC-RCG

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF AND LIFTING PSLRA DISCOVERY STAY**

Before the Court is Plaintiff's Motion for Leave to File Supplemental Brief in Opposition to Defendants' Motions to Dismiss the Second Amended Complaint and Motion to Lift PSLRA Discovery Stay. Having considered the motion, the record, and applicable law, the Court finds good cause.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Leave is GRANTED. The Clerk shall file the attached Supplemental Brief forthwith.

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT AND MOTION TO LIFT PSLRA DISCOVERY STAY - 9

CASE NO. 7:24-CV-00317-DC-RCG MIDLAND/ODESSA DIVISION

2. The PSLRA discovery stay is LIFTED for the particularized discovery specified in Section III.C of the Supplemental Brief, to be completed within 60 days.

Defendants shall preserve all relevant evidence pending completion.

3. Defendants may respond to the Supplemental Brief within 14 days.

4. The pending Motions to Dismiss shall be considered in light of this supplementation.

SO ORDERED this ____ day of _____, 2025.

DAVID COUNTS

UNITED STATES DISTRICT JUDGE

(or)

RONALD C. GRIFFIN

UNITED STATES MAGISTRATE JUDGE